

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

ERICK D. TUKES, DANICIELIZ ALLISON,

Defendants.

**4:13CR3122**

**ORDER**

Defendant Tukes has moved to continue the pretrial motion deadline, (filing no. 78), because the defendant and defense counsel need additional time to fully review the discovery received before deciding if pretrial motions should be filed.. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant Tukes' motion to continue, (filing no. 78), is granted.
- 2) As to **both** defendants, pretrial motions and briefs shall be filed on or before October 29, 2014.
- 3) **As to defendant Tukes**, the status conference previously set for October 28, 2014 is continued, and will be held at 10:00 a.m. on November 10, 2014 before the undersigned magistrate judge in Courtroom 2, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska to discuss case progression and a potential trial setting.
- 4) Based on the representations of defendant Tukes' counsel, additional time is needed to review this case before deciding whether to proceed to trial or to enter a plea. Accordingly, as to **both** defendants, the additional time arising as a result of the granting of the motion, the time between today's date and October 29, 2014, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because despite counsel's due diligence, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7).

October 14, 2014.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge